

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**STATE OF TENNESSEE v. AARON FREDERICK MULLINS**

**Appeal from the Circuit Court for Montgomery County  
No. 032625     John H. Gasaway, III, Judge**

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**No. M2003-01307-CCA-R3-CD - Filed October 19, 2004**

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The Defendant, Aaron Mullins, appeals from the trial court's order revoking his community corrections sentence and ordering him to serve the balance of his sentence in the Department of Correction. The State filed a motion to affirm the judgment of the trial court by memorandum opinion pursuant to Rule 20, Rules of the Tennessee Court of Criminal Appeals. We grant the State's motion and affirm the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed Pursuant to Rule 20, Tenn. Ct. Crim. App. R.**

DAVID H. WELLES, J., delivered the opinion of the court, in which JERRY L. SMITH and THOMAS T. WOODALL, JJ., joined.

Collier W. Goodlett and Gregory D. Smith, Clarksville, Tennessee, for the appellant, Aaron Frederick Mullins.

Paul G. Summers, Attorney General and Reporter; Elizabeth T. Ryan, Assistant Attorney General; John Carney, District Attorney General; and Art Bieber, Assistant District Attorney General, for the appellee, State of Tennessee.

**MEMORANDUM OPINION**

On March 23, 1994, the Defendant pleaded guilty to and was convicted of aggravated burglary. As a Range II offender, he was sentenced to ten years to be served in community corrections. Approximately one month later, a violation warrant was issued, alleging that the Defendant had failed to comply with a required curfew and condition of "home confinement." The warrant was apparently not served upon the Defendant until December 18, 2001, after he had been arrested on new charges. During the years between 1994 and 2001, the Defendant evidently never contacted his community corrections case officer. The trial court conducted an evidentiary hearing on the revocation warrant, after which the court found that the Defendant had violated the terms and conditions of his community corrections sentence by "not complying with home confinement and

not reporting after April 22, 1994.” The Court further concluded that “Given the fact that he is a range two multiple offender and his absolute disregard for his responsibilities associated with the community corrections sentence, the Court orders him to serve his sentence at the Department of Correction.” It is from this Order that the Defendant appeals.

If a trial court finds, by a preponderance of the evidence, that a Defendant has violated the terms of his community corrections sentence, it may revoke that sentence. A community corrections revocation order is reviewed under an abuse of discretion standard. The record on appeal clearly supports the trial court’s finding that the Defendant violated the terms of his community corrections sentence. After careful review, we conclude that the trial judge did not abuse his discretion in revoking the Defendant’s community corrections sentence and ordering that the balance of his sentence be served in the Department of Correction.

We therefore grant the State’s motion and affirm the judgment of the trial court pursuant to Tennessee Court of Criminal Appeals Rule 20.

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DAVID H. WELLES, JUDGE